

# **Legislative Regulation Review Committee**

2010-043

Department of Social Services

**CHILDRENS HEALTH INSURANCE  
PROGRAM REAUTHORIZATION ACT**

IMPORTANT: Read instructions on bottom of Certification Page before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations.

STATE OF CONNECTICUT  
**REGULATION**  
OF

NAME OF AGENCY  
Department of Social Services  
Concerning  
SUBJECT MATTER OF REGULATION  
Citizenship and Identity for Medicaid

SECTION \_\_\_\_\_

Statement of Purpose: The purpose of the proposed regulation is to comply with the Deficit Reduction Act of 2005 (DRA), Public Law No. 109-171, and subsequent amendments made by the Children’s Health Insurance Program Reauthorization Act of 2009 (CHIPRA), Public Law No. 111-3.

The main provisions of the proposed regulation provide (1) a 90 day “Reasonable Opportunity Period” (ROP) to individuals who are seeking eligibility for Medicaid assistance and who cannot provide the necessary documents to prove their citizenship and identity. Such individuals, who otherwise meet all the other requirements for eligibility, shall be eligible for Medicaid pending the Department’s receipt of the required documentation. The ROP begins after the Department has attempted to verify the individual’s citizenship by matching the person’s Social Security Number (SSN) with citizenship information available through the Social Security Administration’s (SSA) database. This SSN/SSA match will begin in January, 2010. If the match is unsuccessful, the department shall make a reasonable effort to resolve discrepancies which may have caused the match to fail. If the discrepancies cannot be resolved, and the SSN match continues to be unsuccessful, the department shall notify the individual. The individual shall then be given a 90 day ROP during which they must either send in documentation to verify his or her citizenship and identity, or resolve discrepancies at the SSA so that a successful match of their SSN can be accomplished with citizenship SSA database information. The individual’s 90 day ROP begins as of the date the individual receives notification from the department that the SSN/SSA match for citizenship has failed; (2) provides “documents issued by a federally recognized Indian tribe” to the list of documents that can be used by Native American Indians to verify their citizenship and identity and (3) provides that for certain children born in the United States to a mother who was eligible for and receiving Medicaid at the time of the child’s birth will be deemed to have provided satisfactory documentary evidence of their citizenship or nationality.

These changes are effective retroactively to July 1, 2006, pursuant to sections (d)(1) to (d)(3), inclusive, of Public Law 111-3. The Department will implement and operate under this proposed change pursuant to section 17b-10 of the Connecticut General Statutes effective January 1, 2010. The legal effect of the regulation will be to increase access to the Medicaid program.

CERTIFICATION
R-39 REV. 1/77

Be it known that the foregoing: Page 2 of 2 pages

Regulations Emergency Regulations

Are: Adopted Amended as hereinabove stated Repealed

By the aforesaid agency pursuant to: Sections 17b-10 of the General Statutes.
Section of the General Statutes, as amended by Public Act No. of the Public Acts.
Public Act No. of the Public Acts.

After publication in the Connecticut Law Journal on March 16, 2010, of the notice of the proposal to:
Adopt Amend Repeal such regulations
(If applicable): And the holding of an advertised public hearing on day of

WHEREFORE, the foregoing regulations are hereby:
Adopted Amended as hereinabove stated Repealed

Effective:
When filed with the Secretary of the State.
(OR)
The day of

Table with 4 columns: In Witness Whereof, Date, SIGNED (Head of Board, Agency or Commission), OFFICIAL TITLE, DULY AUTHORIZED. Includes signatures and dates like 6/19/10 and 6/8/10.

Approved
Disapproved
Disapproved in part, (Indicate Section Numbers disapproved only)
Rejected without prejudice

Table with 3 columns: By the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes., Date, SIGNED (Clerk of the Legislative Regulation Review Committee). Includes a row for filing copies and a row for DATE, SIGNED (Secretary of the State.), BY.

INSTRUCTIONS

- 1. One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes.
- 2. Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes.
- 3. n regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.
- 4. Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in capital letters and deleted language in brackets. Section 4-170 of the General Statutes.

CONNECTICUT DEPARTMENT OF SOCIAL SERVICES  
UNIFORM POLICY MANUAL

Date: 7/1/06

Transmittal: UP-10-xx

1540.05

Section:

The Eligibility Process

Type:

POLICY

Chapter:

General Principles of Verification

Program:

AFDC

AABD

MA

Subject:

Requirements and Penalties

[FS] SNAP

1540.05 A. Standard of Proof

A statement made by an applicant or a recipient is considered by the Department to be verified when the available evidence indicates that it is more likely to be true than not.

B. Verification of Citizenship and Identity—Special Rule for MA

Except for those individuals listed in section 1599.05 [E.] F. 8. and section 3099.04 [J.] N., claims of U.S. citizenship from individuals applying for or receiving MA, as well as statements from these individuals about their identities, shall be verified by only certain documents or databases as described in [section 6036 of the Deficit Reduction Act of 2005 (DRA) (Pub. L. 109-171)] 42 USC 1396b(x) and 42 USC 1396a(ee) or by regulations subsequently promulgated by the Secretary of Health and Human Services. For purposes of this requirement, individuals who claim U.S. citizenship includes those individuals with a status as a national of the United States as defined by section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) including both citizens of the United States and non-citizen nationals of the United States. Except for the documents listed in section 3099.04 [A. 1.] B., the same document cannot be used to verify both U.S. citizenship and identity. All documents shall be either originals or copies certified by the issuing agency.

C. When Verification is Required

1. The Department requires verification of information:

- a. when specifically required by federal or State law or regulations; and
- b. when the Department considers it necessary to corroborate an assistance unit's statements pertaining to an essential factor of eligibility.

2. The Department does not require applicants or recipients to provide documentary evidence to verify the nonexistence of any factor, including the following:

- a. lack of income; or
- b. lack of bank accounts or other assets; or
- c. absence of one parent from the home.

CONNECTICUT DEPARTMENT OF SOCIAL SERVICES  
UNIFORM POLICY MANUAL

Date: 7/1/06	Transmittal: UP-10-??	1599.05
Section: Eligibility Process	Type:	POLICY
Chapter: Verification	Program:	AFDC AABD MA [FS] SNAP
Subject: Qualifications of Individuals		

1599.05 A. [Individuals may be required to provide verification of identity if they are not known to the Department, or if the individual's identity is otherwise questionable. Except for those individuals listed in section 1599.05 E. 8. who are exempt from this requirement, identity shall be verified for those applying for or receiving MA who claim to be U.S. citizens For MA, the Department shall require verification of identity for an applicant or recipient only once, unless later evidence raises a question of the person's identity or the Department's prior record has been destroyed pursuant to record retention guidelines.]

Except for MA, individuals may be required to provide verification of their identity if they are not known to the Department or if their identity is otherwise questionable.

B. MA

1. Except for those listed in 1599.05 F. 8 who are otherwise exempt, all individuals applying for or receiving MA who claim to be U.S. citizens shall verify their identity. Such verification shall be required only one time, unless later evidence raises a question about the person's identity or the Department's prior record is no longer available to the Department.
2. Individuals are required to provide information to the Department that allows the Department to verify their U.S. citizenship through a match with Social Security Administration (SSA) records, as requested by the Department for this purpose. Verification of U.S. citizenship through this SSA match also verifies an individual's identity for purposes of eligibility for MA.
3. Individuals are not required to provide verification of identity in order to be and remain eligible for MA when:
  - a. the Department is in the process of making a reasonable effort to verify U.S. citizenship with the SSA; or
  - b. the Department has successfully matched the individual's citizenship information with the SSA information; or
  - c. the Department has commenced the individual's reasonable opportunity period (ROP) because the SSA match has failed and the ROP has not ended.

[B.] C. The following information concerning individuals who represent applicants or recipients is verified by the Department whenever questionable:

1. relationship or legal capacity;
2. authorized representative status;
3. absence of other qualified persons when a responsible adult applies on behalf of a deceased, incompetent or incapacitated individual;
4. actions taken by the representative; or
5. employment of an [FS] SNAP authorized representative.

[C.] D. Failure to provide required verification may result in the following actions where appropriate to the particular circumstance in question:

1. [The] the Department may deny an application or discontinue assistance;
2. [The] the Department may refrain from taking action until further clarification is obtained; or
3. [The] the Department may require that a qualified individual or the assistance unit take action.

[D.] E. If verification is required at the time of application, the representative shall be allowed to file the application even though his or her qualifications may be in question.

[E.] F. Special Identity Verification Rules for MA

1. Except for those individuals listed in section 1599.05 [E.] F. 8. who are exempt from this requirement, or individuals listed in section 1599.05 B. 2. and B.3., to be eligible for MA, individuals claiming U.S. citizenship who are applying for or receiving MA shall verify their identity by having a successful SSA match or by submitting to the Department one of the following documents:
  - a. a valid or expired U.S. passport originally issued with or without limitation;
  - b. a Certificate of Naturalization (DHS Forms N-550 or N-570);
  - c. a Certificate of U.S. Citizenship (DHS Forms N-560 or N-561);
  - d. a document received on or after 7/1/06, issued by a federally recognized Indian tribe, evidencing membership or enrollment in, or affiliation with, such tribe unless tribal lands cross an international border whose membership includes individuals who are not U.S. citizens;
  - e. documentation received on or after 7/1/06, as approved by the Secretary of the U.S. Department of Health and Human Services, from a federally recognized Indian tribal member whose tribal location is located within a state that has an international border and whose tribal membership includes individuals who are not U.S. citizens;
- [d.] f. a driver's license issued by a state or U.S. territory either with the individual's name and photograph, or the individual's name and other identifying information such as age, sex, race, height, weight, or eye color;
- [e.] g. a school identification card with a photograph of the individual;

- [f.] h. a U.S. military card or draft record;
- [g.] i. a state, federal, U.S. territory or local government issued identity card if that identity card has the same identifying information as found on a Connecticut driver's license;
- [h.] j. a military dependent's identification card;
- [i.] k. a Certificate of Degree of Indian Blood, or other American Indian/Alaska Native Tribal document with either the individual's name and photograph, or the individual's name and other personal identifying information such as age, weight, height, race, sex and eye color;
- [j.] l. a U.S. Coast Guard merchant mariner card;
- [k.] m. at the Department's option, a cross match with a federal or state governmental, public assistance, law enforcement or corrections agency's data system to establish identity if the agency establishes and certifies the true identity of individuals. Such agencies may include, but not be limited to, the [food stamp] SNAP agency, the child support agency, corrections, juvenile detention, motor vehicle or child protective services;
- [l.] n. for children under 16 years of age, school records (which may include nursery or daycare records and report cards), clinic, doctor[, ] or hospital records. If the individual submits a school record, the Department shall verify the document's authenticity with the originating organization. For children under 16 years of age, if none of these documents are available, an affidavit may be used to verify identity if it is signed under penalty of perjury by a parent, guardian or caretaker relative stating the date and place of birth of the child. Such affidavits do not have to be notarized[.];
- [m.] o. for children 16 or 17 years of age, an affidavit signed under penalty of perjury by a parent, guardian or caretaker relative stating the date and place of the birth of the child may be used to verify identity if a school identification card or driver's license is not available. Such affidavits do not have to be notarized[.];
- [n.] p. Corroborating Documents.

If attempts to verify identity for adults using documents listed in this subsection have not been successful and no other acceptable documents to verify identity are available, three or more available documents that together reasonably corroborate the identity of an individual shall be used provided such documents have not been used to establish the individual's citizenship and a Secondary or Third Level Document has been used to verify citizenship (cross reference UPM section 3099.04). Such corroborating documents shall, at a minimum, contain the individual's name plus any additional information that verifies the individual's identity. All documents shall contain consistent identifying information. Corroborating documents include the following:

- (1) employer identification cards;
- (2) high school and college diplomas from accredited institutions including general education and high school equivalency diplomas;
- (3) marriage certificates;
- (4) divorce decrees;

- (5) property deeds and titles;
- (6) government documents;
- (7) employer documents;
- (8) medical records; and
- (9) school records;

- [o.] q. for disabled adults residing in any licensed facility where adults with disabilities reside, including, but not limited to, nursing facilities, chronic disease hospitals and residential care homes, an affidavit completed and signed by the director or administrator of the facility (under penalty of perjury) that states the date and place of birth of the facility resident. All other means of verifying identity shall first be pursued prior to completion and acceptance of this affidavit. This affidavit is not required to be notarized. Any adult residing in such a facility will be considered a disabled adult for purposes of this subsection.
2. For children under the age of 18, if an affidavit is used to verify U.S. citizenship (cross reference UPM section 3099.04), an affidavit shall not be used to verify identity.
  3. The verification of identity for an applicant or recipient shall be required only once by the Department unless later evidence raises a question of the person's identity or the Department's prior record has been destroyed pursuant to record retention guidelines.
  4. All documents used to verify identity shall be either originals or copies certified by the issuing agency.
  5. Individuals may submit evidence of identity without appearing in person. Documents may be submitted in person, by mail or by another individual selected by the applicant or recipient.
  6. [The Department shall give each applicant and recipient a reasonable opportunity period to present evidence of identity. This period shall not be less than the standard of promptness for the case. (Cross reference UPM section 1505.)] Individuals have one 90-day reasonable opportunity period (ROP) in their lifetimes, during which they are eligible for MA, to verify their identity either through a successful SSA match or by providing documents as set forth in this subsection. This ROP may not be extended for any reason. The 90 days of the ROP do not have to run consecutively. This ROP begins after the Department has made its own reasonable effort to verify citizenship through the SSA match process and the individual receives notification that this process has failed to verify his or her identity. If, by the end of the ROP, the SSA match process continues to fail and the individual does not provide the required documentation to establish identity, MA shall be discontinued for that individual within 30 days after the end of the ROP.
  7. Entities authorized by the Department as outstation locations pursuant to 42 CFR 435.904 may also view and validate identity documentation on behalf of the Department.
  8. The following individuals are exempt from the verification requirements set forth in this section:
    - a. those entitled to, or enrolled in, Medicare;



- b. those eligible in the HUSKY A for Newborn Children coverage group (cross reference UPM section 2540.52);
- c. those eligible under the Presumptive Eligibility for Children process (cross reference UPM section 1523);
- d. those presumptively eligible in the Women with Breast or Cervical Cancer Medicaid coverage group (cross reference UPM section 2540.74);
- e. SSI recipients;
- f. recipients of SSDI or Social Security benefits if receipt is based on their own disability;
- g. foster care children receiving services funded by Titles IV-B or IV-E of the Social Security Act;
- h. children receiving adoption assistance under Title IV-E of the Social Security Act; [and]
- i. those eligible under the Presumptive Eligibility for Pregnant Women process[.] ; or
- j. a child who, at the time of his or her current application for Medicaid, is under 12 months old and who is documented to have been born in the United States to a mother eligible for and receiving Medicaid at the time of the child's birth.

CONNECTICUT DEPARTMENT OF SOCIAL SERVICES  
UNIFORM POLICY MANUAL

Date: 7/1/06		Transmittal: UP-10-??	3099.03
Section: Technical Eligibility Requirements		Type:	POLICY
Chapter: Verification Requirements		Program:	AFDC AABD [FS] SNAP MA
Subject: Citizenship and Non-citizen Status			

3099.03 A. Citizens

For those claiming to be U.S. citizens including U.S. nationals as defined by section 101(a) (22) of the Immigration and Nationality Act (8 U.S.C. 1101(a) (22), who apply for or receive MA, their claim of U. S. citizenship or U.S. national status shall be verified to be eligible for MA unless they are otherwise exempt as provided in section 3099.04 [J.] N. or during such circumstances as described in section 3099.04 A. 2. and A. 3. For other citizens or U.S. nationals, their claim of U.S. citizenship or U.S. national status needs to be verified only if it is considered questionable by the Department.

B. Non-citizens

1. Non-citizens are required to submit sufficient documentation to the Department to establish eligible non-citizen status.
2. Ineligible non-citizens applying for emergency medical treatment are not required to provide documentation of their non-citizen status.

C. Sponsored Non-citizens

Non-citizens sponsored by public agencies or organizations are required to provide:

1. verification of their dates of entry or dates of admission as lawful permanent residents; and
2. all pertinent available information about their sponsors, including verification of a sponsoring organization's ability to support them.

D. Penalty

The penalty for failure to verify citizenship status is ineligibility of the individual until the requirement is met.

E. Medical Emergency

Non-citizens who do not otherwise meet eligible non-citizen criteria (cross reference UPM section 3005.05), except for an emergency medical condition, are required to submit a statement signed by a physician verifying the need for emergency treatment.

CONNECTICUT DEPARTMENT OF SOCIAL SERVICES  
UNIFORM POLICY MANUAL

Date: 7/1/06	Transmittal: UP-10-??	3099.04
Section: Technical Eligibility Requirements	Type:	POLICY
Chapter: Verification Requirements	Program:	MA
Subject: U.S. Citizens		

3099.04 A. U. S. Citizens-Basic Provisions

1. Except for those individuals listed in section 3099.04 [J] N. [,] who are exempt , or for individuals listed in 3099.04 A. 2 and A. 3 , to be eligible for MA, U.S. citizens applying for or receiving MA shall verify their citizenship by having a successful SSA match or by submitting to the Department one of the documents listed in section 3099.04 [A.1.] B. (Primary Level Documents), or section 3099.04 [A.2.] C. (Secondary Level Documents), or section 3099.04 [A.3.] D. (Third Level Documents) or section 3099.04 [A.4.] E. (Fourth Level Documents). These documents shall be supplied to, and shall be accepted, by the Department, only in sequential order, starting with the Primary Level and progressing through the Fourth Level. The availability of documents in one level shall be exhausted prior to a request for, and submission of, a document in the next level. Such verification shall be required only one time, unless later evidence raises a question about the person's citizenship or the Department's prior record is no longer available to the Department.
2. Individuals are required to provide information to the Department that allows the Department to verify their U.S. citizenship through a match with Social Security Administration (SSA) records, as requested by the Department for this purpose. Verification of U.S. citizenship through this SSA match verifies an individual's U.S. citizenship for purposes of eligibility for MA.
3. Individuals are not required to provide verification of U.S. citizenship in order to be and remain eligible for MA when:
  - a. the Department is in the process of making a reasonable effort to verify U.S. citizenship with the SSA;
  - b. the Department has successfully matched the individual's citizenship information with the SSA information; or
  - c. the Department has commenced the individual's reasonable opportunity period (ROP) because the SSA match has failed and the ROP has not ended.

[1.] B. Primary Level Documents

- [a.] 1. a valid or expired U.S. passport that was originally issued without limitation; or
- [b.] 2. a Certificate of Naturalization (DHS Forms N-550 or N-570); or
- [c.] 3. a Certificate of U.S. Citizenship (DHS Forms N-560 or N-561); or
- [d.] 4. a document received on or after 7/1/06, issued by a federally recognized Indian tribe, evidencing membership or enrollment in, or affiliation with, such tribe unless tribal lands cross an international border whose membership includes individuals who are not U.S. citizens; or
- [e.] 5. documentation received on or after 7/1/06, as approved by the Secretary of the U.S. Department of Health and Human Services, from a federally recognized Indian tribal member whose tribal location is located within a state that has an international border and whose tribal membership includes individuals who are not U.S. citizens; or

[2.] C. Secondary Level Documents

- [a.] 1. a U.S. public birth certificate showing birth in one of the 50 states, the District of Columbia, Puerto Rico (if born on or after January 13, 1941), Guam (if born on or after April 10, 1899), the Virgin Islands of the U.S. (if born on or after January 17, 1917), American Samoa, Swain's Island or the Northern Mariana Islands (if born after November 4, 1986 Northern Mariana Islands local time). These U.S. birth records shall have been recorded by a state, commonwealth, territory or local jurisdiction before the person was 5 years of age; or

- [b.] 2. Evidence of Collective Naturalization

Individuals are considered to be collectively naturalized if they provide evidence of the following;

- [(1)] a. evidence of birth in Puerto Rico on or after April 11, 1899 and the individual states that he or she was residing in the U.S., a U.S. possession or Puerto Rico on March 1, 1917, and that he or she did not take an oath of allegiance to Spain; or
- [(2)] b. evidence that the individual was a Puerto Rican citizen and the individual states that he or she was residing in Puerto Rico on March 1, 1917, and that he or she did not take an oath of allegiance to Spain; or
- [(3)] c. evidence of birth in the U.S. Virgin Islands and the individual's statement of residence in the U.S., a U.S. possession or the U.S. Virgin Islands on February 25, 1927; or
- [(4)] d. the individual's statement indicating he or she was a resident in the U.S. Virgin Islands as a Danish citizen on January 17, 1917 and residence in the U.S., a U.S. possession or the U.S. Virgin Islands on February 25, 1927, and that he or she did not make a declaration to maintain Danish citizenship; or
- [(5)] e. evidence of birth in the U.S. Virgin Islands and the individual's statement indicating residence in the U.S., a U.S. possession or territory or the Canal Zone on June 28, 1932; or

[(6)] f. evidence of birth in the Northern Mariana Islands (NMI) (formerly part of the Trust Territory of the Pacific Islands (TTPI)) or TTPI citizenship and residence in the NMI, the U.S., or a U.S. Territory or possession on November 3, 1986 (NMI local time), and the individual's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time); or

[(7)] g. evidence of TTPI citizenship, continuous residence in the NMI since before November 3, 1981 (NMI local time), voter registration before January 1, 1975, and the individual's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time); or

[(8)] h. evidence of continuous domicile in the NMI since before January 1, 1974 and the individual's statement that he or she did not owe allegiance to a foreign state on November 4, 1986 (NMI local time). If an individual entered the NMI as a nonimmigrant and lived in the NMI since January 1, 1974, this does not constitute continuous domicile and the individual is not a U.S. citizen; or

[c.] 3. a Certificate of Report of Birth (DS-1350); or

[d.] 4. a Report of Birth Abroad of a U.S. Citizen (form FS-240); or

[e.] 5. a certificate of birth issued by the Department of State (form FS-545 issued prior to 1991, or DS-1350); or

[f.] 6. a U.S. Citizen I.D. card (INS Form I-179 issued from 1960 until 1973 or INS Form I-197 issued from 1973 until April 7, 1983); or

[g.] 7. a Northern Mariana Identification Card (I-873); or

[h.] 8. an American Indian Card (I-872) with the classification code of the Texas Band of Kickapoos abbreviated as "KIC" and a statement on the back denoting U.S. citizenship; or

[i.] 9. a final adoption decree showing the child's name and U.S. place of birth; or

[j.] 10. for an adoption that has not been finalized and the state in which the child was born will not release a birth certificate prior to final adoption, a statement from a state approved adoption agency that shows the child's name and U.S. place of birth provided the adoption agency certifies that the source of the place of birth information is an original birth certificate; or

[k.] 11. evidence of U.S. Civil Service employment before June 1, 1976; or

[l.] 12. a U.S. military record showing a U.S. place of birth; or

[m.] 13. a U.S. state or territory vital records data match, computerized or manual; or

[n.] 14. verification from the Systematic Alien Verification for Entitlements (SAVE) system of the United States Department of Homeland Security that indicates U.S. citizenship.

[3.] D. Third Level Documents

[a.] 1. extract of a hospital record on hospital letterhead established at the time of the person's birth that was created at least 5 years before the initial application date and that indicates a U.S. place of birth. A souvenir birth certificate is not considered a hospital record or extract of a hospital record. For children under the age of 16 years, the document shall have been

created near the time of birth or at least 5 years before the date of application; or

- [b.] 2. life, health or other insurance record showing a U.S. place of birth that was created at least 5 years before the initial application date and that indicates a U.S. place of birth. For children under the age of 16 years, the document shall have been created near the time of birth or at least 5 years before the date of application; or
- [c.] 3. religious record recorded in the U.S. within 3 months of birth showing the birth occurred in the U.S. and showing either the date of birth or the individual's age at the time the record was made. The record shall be an official record recorded with the religious organization. In questionable cases such as when the child's religious record was recorded near a U.S. international border and the child may have been born outside of the U.S., documentation shall be submitted to verify the information on the religious record for the child or that the mother of the child was in the U.S. at the time of birth. Entries in a family bible are not considered recorded religious records; or
- [d.] 4. early school record showing a U.S. place of birth. The school record shall indicate the name of the child, the date of admission to the school, the date of birth of the child, a U.S. place of birth for the child, and the name(s) and places(s) of birth of the child's parents.

[4.] E. Fourth Level Documents

- [a.] 1. Federal or state census record showing U.S. citizenship and the individual's age or a U.S. place of birth and the individual's age; or
- [b.] 2. one of the following documents that show a U.S. place of birth and [was] were created at least 5 years before the application for Medicaid. For children under 16 years of age, the document shall have been created near the time of birth or at least 5 years before the date of application:
  - [(1)] a. Seneca Indian tribal census records;
  - [(2)] b. Bureau of Indian Affairs tribal census records of the Navajo Indians;
  - [(3)] c. U.S. state vital statistics official notification of birth registration;
  - [(4)] d. a delayed U.S. public birth record that is recorded more than 5 years after the person's birth;
  - [(5)] e. a statement signed by the physician or midwife who was in attendance at the time of birth;
  - [(6)] f. the Roll of Alaska Natives maintained by the Bureau of Indian Affairs; or
- [c.] 3. institutional admission papers from a nursing facility, skilled care facility or other institution, created at least 5 years before the initial application date, that indicates a U. S. place of birth ; or
- [d.] 4. medical (clinic, doctor[,], or hospital) record, created at least 5 years before the initial application date, that indicates a U.S. place of birth. For children under the age of 16 years, the document shall have been created near the time of birth or at least 5 years before the date of application. Immunization records maintained by parents, family members, friends or schools are not considered a medical record for purposes of establishing U.S. citizenship; or

[e.] 5. written affidavits that comply with the following requirements:

- [(1)] a. there shall be at least two affidavits by two individuals who have personal knowledge of the event establishing the applicant's or recipient's claim of U.S. citizenship (the two affidavits may be combined in a joint affidavit); and
- [(2)] b. at least one of the individuals making the affidavit shall not be related by birth, marriage or adoption to the applicant or recipient. Neither of the two individuals shall be the applicant or recipient; and
- [(3)] c. in order for the affidavit to be acceptable, the persons making them shall provide proof of their own U.S. citizenship and identity; and
- [(4)] d. if the persons making the affidavit have information that explains why documentary evidence establishing the applicant's or recipient's claim of citizenship does not exist or cannot be readily obtained, the affidavit shall contain this information; and
- [(5)] e. the Department shall obtain a separate affidavit from the applicant or recipient, or other knowledgeable individual, such as a guardian or representative, explaining why the evidence does not exist or cannot be obtained; and
- [(6)] f. the affidavits shall be signed under penalty of perjury; and
- [(7)] g. the affidavits are not required to be notarized; and
- [(8)] h. written affidavits shall only be accepted as a Fourth Level document if no other Fourth Level documents are available.

[B.] F. Special rules for citizens born outside of the U.S.

Citizens born outside of the U.S. who were not U.S. citizens at birth, may submit a document listed in section 3099.04 [A.1.] B. (Primary Level Documents) or section 3099.04 [A.2.] C. (Secondary Level Documents) to verify their U.S. citizenship to be eligible for MA. The Department may confirm U.S. citizenship of these individuals if they claim to be naturalized by using the SAVE system. When Primary Level Documents and Secondary Level Documents (including SAVE information) are not available, citizens born outside of the U.S. who claim to have been naturalized may use affidavits as listed in section 3099.04 [A. 4. e.] E. 5. to verify U.S. citizenship.

[C.] G. Special rules for children born outside of the U.S.

Adopted or biological children born outside of the U.S. may establish citizenship obtained automatically under section 320 of the Immigration and Nationality Act (8 USC 1431), as amended by the Child Citizenship Act of 2000 (Public Law 106-395, enacted on October 30, 2000). Documentary evidence shall be submitted to the Department to substantiate that the following was true at any time on or after February 27, 2001:

- 1. at least one parent of the child is a U.S. citizen by either birth or naturalization as verified by the documents listed in section 3099.04; and
- 2. the child is under the age of 18; and
- 3. the child is residing in the U.S. in the legal and physical custody of the U.S. citizen parent; and

4. the child was admitted to the U.S. for lawful permanent residence as verified under the requirements of 8 USC 1641 pertaining to verification of qualified alien status. This status may be verified by the SAVE system; and
5. if adopted, the child satisfies the requirements of section 101(b)(1) of the Immigration and Nationality Act (8 USC 1101(b)(1)) pertaining to international adoptions (admission for lawful permanent residence as IR-3 (child adopted outside the U. S.)), or as IR-4 (child coming to the U.S. to be adopted) with final adoption having subsequently occurred). These classifications may be verified by the SAVE system. When SAVE information is not available for these adopted children, an affidavit as listed in section 3099 A. 4. e. may be used to verify the child's U.S. citizenship.

[D.] H. The verification of citizenship for an applicant or recipient shall be required only once by the Department, unless later evidence raises a question of the person's citizenship or the Department's prior record has been destroyed pursuant to record retention guidelines.

[E.] I. All documents used to verify citizenship shall be either originals or copies certified by the issuing agency.

[F.] J. Individuals may submit evidence of citizenship without appearing in person. Documents may be submitted in person, by mail or by another individual selected by the applicant or recipient.

[G.] K. The original or certified copy of documents shall be submitted directly to the Department or to an outstation location designated by the Department pursuant to 42 CFR 435.904.

[I.] L. The place of U.S. birth listed on all Third and Fourth Level Documents shall match the U.S. place of birth listed on the application or redetermination/renewal form.

[H.] M. [The department shall give each applicant and recipient a reasonable opportunity period to present evidence of citizenship. This period shall not be less than the standard of promptness for the case. (Cross reference UPM section 1505.)) Individuals have one 90-day reasonable opportunity period (ROP) in their lifetimes, during which they are eligible for MA, to verify their citizenship either through a successful SSA match or by providing documents as set forth in this subsection. This ROP may not be extended for any reason. The 90 days of the ROP do not have to run consecutively. This ROP begins after the Department has made its own reasonable effort to verify citizenship through the SSA match process and the individual receives notification that this process has failed to verify his or her citizenship. If, by the end of the ROP, the SSA match process continues to fail and the individual does not provide the required documentation to establish citizenship, MA shall be discontinued for that individual within 30 days after the end of the ROP.

[J.] N. The following individuals are exempt from the verification requirements set forth in this section:

1. those entitled to, or enrolled in, Medicare;
2. those eligible in the HUSKY A for Newborn Children coverage group (cross reference UPM section 2540.52);
3. those eligible under the Presumptive Eligibility for Children process (cross reference UPM section 1523);



4. those presumptively eligible in the Women with Breast or Cervical Cancer Medicaid coverage group (cross reference UPM section 2540.74);
5. SSI recipients;
6. recipients of SSDI or Social Security benefits if receipt is based on their own disability;
7. foster care children receiving services funded by Titles IV-B or IV-E of the Social Security Act;
8. children receiving adoption assistance under Title IV-E of the Social Security Act; [and]
9. those eligible under the Presumptive Eligibility for Pregnant Women process[.]; and
10. a child who, at the time of his or her current application for Medicaid, is under 12 months old and who is documented to have been born in the United States to a mother eligible for and receiving Medicaid at the time of the child's birth.